



EUROPEAN COMMISSION
RESEARCH EXECUTIVE AGENCY

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

In accordance with Article 31 of the Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (Regulation), individuals whose personal data are processed by the Research Executive Agency (REA or Agency) in any context whatsoever are to be protected with regard to the processing of personal data and the Agency has to keep records of their processing activities.

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Created on (date): 9 September 2019
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NAME OF THE PROCESSING ACTIVITY

Requests within the meaning of the articles 90 (1) and 24 of the Staff Regulations (SR) and complaints within the meaning of the article 90(2) of the Staff Regulations in the REA

1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION

1.1. Name and contact details of controller

The controller is the Research Executive Agency (REA). For organisational reasons, the role of the data controller is exercised by Mr Marc TACHELET (REA Director). The controller may be contacted via email: Marc.TACHELET@ec.europa.eu. Unit REA.C.1 ("Administration") and Sector REA.C0.1 ("Legal Affairs, Internal Control and Reporting") are also entrusted with the collecting and/or processing of personal data.

1.2. Name and contact details of the Data Protection Officer (DPO)

Ms María Francisca BRUNET COMPANY

REA-DATA-PROTECTION-OFFICER@ec.europa.eu.

1.3. Name and contact details of joint controller (where applicable)

Not applicable.

1.4. Name and contact details of processor (where applicable)

In exceptional cases, REA may assign a processor (e.g. external lawyer, DG HR.E.2, PMO) to deal with all or some parts of the processing operation depending on the case to deal with. The processor is legally bound by the obligation of confidentiality.

- DG HR.E.2 & PMO (HR-MAIL-E2@ec.europa.eu);
- DG DIGIT for "ICT services" (ARES/HAN, functional mailboxes, etc.) (DIGIT-MOU@ec.europa.eu).

1.5. Purpose of the processing

The Unit "Administration" of the Agency REA.C.1 defines, coordinates and ensures the implementation of human resources policies (covering the request within the meaning of Article 90 (1) of the Staff Regulations, the request for assistance within the meaning of Article 24 of the Staff Regulations as well as the complaints within the meaning of Article 90 (2) of the Staff Regulations). It does so by following the relevant provisions of the Staff Regulations of Officials of the European Union of 1 January 2014.

The purpose of the processing operations within the meaning of the articles 90 (1) and 24 of the Staff Regulations is to secure a decision to be taken by the Authority Authorised to Conclude Contracts (hereafter referred to as "AACC") based on a request by a staff member.

The purpose of the processing operations within the meaning of the Article 90(2) of the Staff Regulations is to secure a decision to be taken by the AACC on a complaint by a staff member against an act affecting him/her adversely.

1.6. Legal basis for the processing

- Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes: Article 11 paragraph 6 and Article 18 paragraphs 1 and 3.
- Commission Decisions:
 - The Commission Implementing Decision 2013/778/EU of December 13th, 2013, establishing the Research Executive Agency and repealing Decision 2008/46/EC.
 - The Commission Decision C(2013) 9418 final of 20.12.2013 on delegating powers to the Research Executive Agency with a view to performance of tasks linked to the implementation of Union programmes in the field of

research and innovation comprising, in particular, implementation of appropriations entered in the general budget of the Union.

- Staff Regulations and CEOS:
 - Articles 22c, 24, 25 and 90 (1) and (2) of the Staff Regulations of Officials of the European Union of 1 January 2014;
 - Articles 11, 46, 81 and 117 of the Conditions of Employment of other servants of the European Union of 1 January 2014;
- Service Level Agreements:
 - A new SLA with DG HR entered into force on 1 January 2018. Under Appendix E 'HR.E Complaints' assistance is provided with regard to the following fields:
 - Decisions pursuant to Article 90c of the SR for the Commission as Appointing Authority (AA) for complaints under Article 90(a) of the SR;
 - Decisions in reply to complaints for the institution as AA;
 - Requests for assistance under Article 24 of the SR;
 - General legal assistance.
 - A SLA with PMO entered into force on 1 January 2019. According to Article 4, paragraph 1, of Part II A: *"In accordance with the principle laid down in Article 90c of the Staff Regulations, requests or complaints pursuant to Article 90 of the Staff Regulation and Articles 46, 117 and 138 of the CEOS relating to areas for which the Agency has delegated its Competent Authority powers to the PMO, shall be submitted to the Competent Authority of the European Commission in charge of the handling of requests and complaints. The PMO shall refer to the Competent Authority of the European Commission in its decision."*

1.7. Categories of data subjects

- Any person to whom the Staff Regulations and the Conditions of Employment of Other Servants apply (All REA staff and former staff including those entitled under them, for example spouse or children of a staff member);
- Applicants to REA competitions.

1.8. Categories of personal data

Depending on the type of the request and/or the complaint, certain categories of data might be processed by the Agency.

The categories of data that may be collected and/or processed are the following:

- a) Identification/Administrative data: surname at birth, current surname, forename, date of birth, town/city of birth, country of birth, sex, nationality, other nationality;
- b) Data in the form of personal identification numbers: Personnel number, pension number;
- c) Data concerning the data subject's career: Assignment, grade, department, unit, sector, category of staff, grade, step, duration of the contract, documents relating to the works of the selection committee;
- d) Data concerning the data subject's contacts details: Office address, private address (if required), street, postcode, place, country, e-mail address, telephone no., mobile telephone;

- e) Data concerning the data subject's request and/or complaint: brief purpose/subject, decision challenged (only in the case of a complaint), REA registration number;
- f) Data which are contained in the data subject's personal file;
- g) Data concerning data subject's private sphere (external activities, etc.);
- h) Data concerning pay, allowances and bank accounts of data subject;
- i) Data concerning the data subject's family;
- j) Data concerning missions and journeys of the data subject;
- k) Data concerning social security and pensions of the data subject;
- l) Data concerning expenses of the data subject;
- m) Data presenting specific risks:
 - Data relating to behaviour of REA staff or former REA staff;
 - Data relating to legal qualification of the above mentioned behaviour having regard to the Staff Regulations (SR) and other obligations which the persons concerned should comply with;
- n) Special categories of personal data:
 - Data relating to suspected offences, offences, criminal convictions or security measures;
 - Health related data of the data subject.

The presence of such data is neither systematic nor necessary in every case and depends on the type of the request and/or complaint. Depending on the nature of the request and/or complaint, the processing may be authorised in accordance with Regulation (EC) N°2018/1725.

1.9. Retention time (time limit for keeping the personal data)

Data (in electronic and in paper format) relating to requests and/or complaints within the meaning of the articles 24 and 90 (1) and (2) of the SR will be kept for 15 years as from the submission of the request/complaint according to the Common Commission-Level Retention List for European Commission Files (SEC (2019)900) adopted by the Commission on 15/04/2019 (Annex 1, p.21, point 12.3.11) and applied by analogy by REA.

Complaints receiving a negative response in respect of which the person concerned submits an appeal to the General Court (and in some cases, later on, the Court of Justice) remain open until the Commission has complied with the Court's judgment.

1.10. Recipients of the data

Within the Agency, the following recipients will have access to the personal data:

- The Director of the Agency in his capacity of Authority Authorised to Conclude Contracts (AACC);
- The Head of Department REA.C 'Administration, Finance and Support Services' and Head of Unit REA.C.1 Administration;
- Authorised personnel of the REA.C.1.001;
- Authorised personnel of the REA.C.01 'Legal Affairs, Internal Control and Reporting'

Other potential recipients are:

- European Ombudsman;
- European Commission;
- The Court of Justice of the European Union;
- European Court of Auditors (ECA);
- European Data Protection Supervisor (EDPS);
- European Anti-Fraud Office (OLAF);
- DG Human Resources and Security (HR);
- Payments Master Office (PMO);
- Investigation and Disciplinary Office of the Commission (IDOC).

This transmission is restricted to the information necessary for the legitimate performance of tasks within the competence of the recipient. The recipients of the data are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

If the transfer entails a change of purpose, it is expressly provided for in law and the data subject is informed of it.

1.11. Transfers of personal data to third countries or international organisations

Not applicable.

1.12. High-level description of security measures

All data in electronic format (emails, documents, etc.) that are processed during this processing activity are stored either on the servers of the European Commission or of the REA, the operations of which abide by the European Commission's security decisions and provisions established by the Directorate of Security for this kind of servers and services. Access to data is granted only to authorised members of the REA staff.

1.13. Data Protection Notice

A Data Protection Notice (DPN) relevant to this data processing activity is available under the REA Intranet (Section "Data Protection").